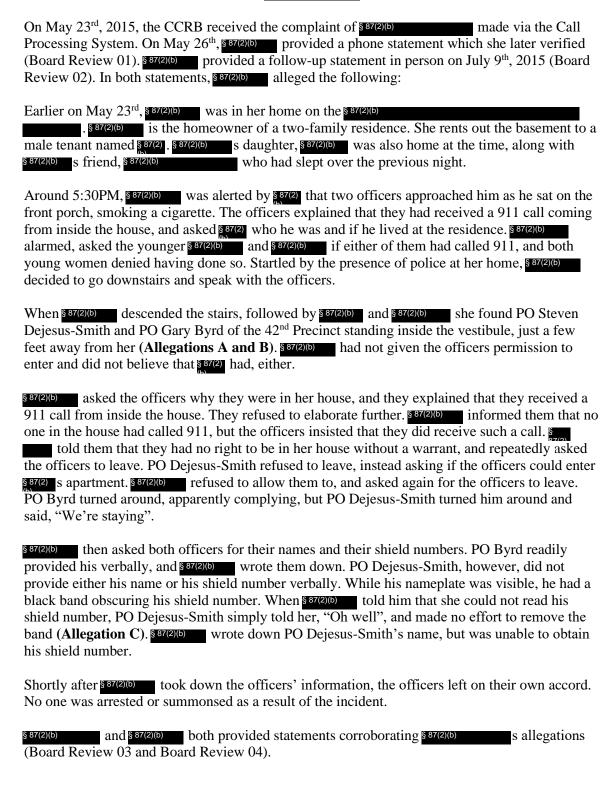
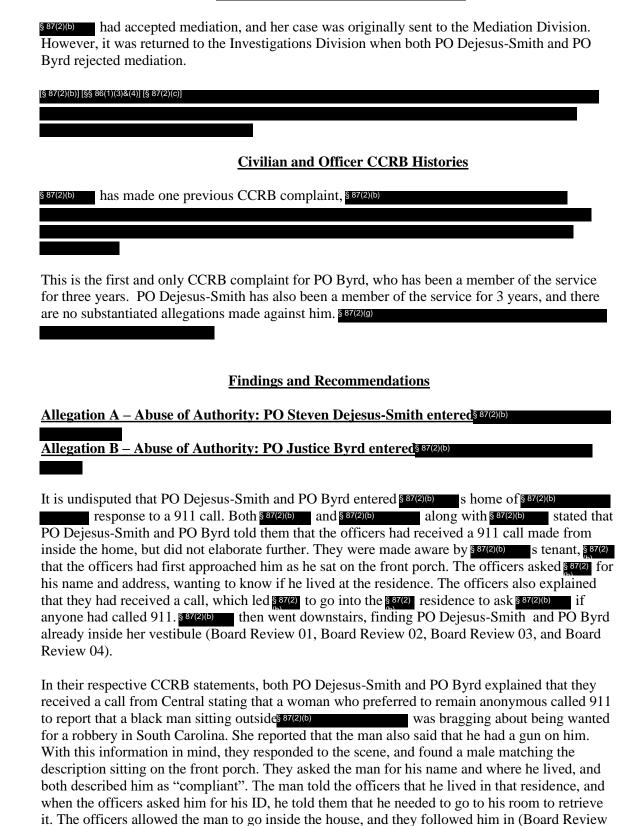
CCRB INVESTIGATIVE RECOMMENDATION

| Investigator: | | Team: | CCRB Case #: | Force | ☐ Discourt. | ☐ U.S. |
|------------------------------|------------------------|---|---------------------------|-----------|--------------------|------------|
| Jaimie Vernon | | Squad #4 | 201504201 | ✓ Abuse | O.L. | ☐ Injury |
| Incident Date(s) | | Location of Incident: | • | Precinct: | 18 Mo. SOL | EO SOL |
| Saturday, 05/23/2015 5:30 PM | | § 87(2)(b) | | 42 | 11/23/2016 | 11/23/2016 |
| Date/Time CV Reported | | CV Reported At: | How CV Reported: | Date/Tim | ne Received at CCI | RB |
| Sat, 05/23/2015 6:00 PM | | CCRB | Call Processing System | Sat, 05/2 | 3/2015 6:00 PM | |
| Complainant/Victim | Type | Home Addre | ess | | | |
| | | | | | | |
| Witness(es) | | Home Addre | ess | | | _ |
| | | | | | | |
| Subject Officer(s) | Shield | TaxID | Command | | | |
| 1. POM Justice Byrd | 13400 | 952519 | 042 PCT | | | |
| 2. POM Steven Dejesussmith | 12283 | 952651 | 042 PCT | | | |
| Officer(s) | Allegati | on | | Inv | vestigator Recon | nmendation |
| A.POM Steven Dejesussmith | Abuse: I § 87(2)(b) | PO Steven Dejesus-Smith in the H | | | | |
| B.POM Justice Byrd | Abuse: I the Bron | PO Justice Byrd entered x. | § 87(2)(b) | in | | |
| C.POM Steven Dejesussmith | | PO Steven Dejesus-Smit Imber to § 87(2)(b) | h refused to provide | his | | |

Case Summary



Mediation, Civil and Criminal Histories



06 and Board Review 07).

| The SPRINT associated with that 911 call, event number sor(2)(5) confirms the information the officers stated. An anonymous complainant reported at about 4:49PM that a bald |
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| black male weighing between 250-300lbs and standing either 6'1" or 6'2" was wanted for a robbery in South Carolina and was possibly armed. The caller gave the man's name as '\$87(2) |
| "and reported that he was sitting outside \$87(2)(b) bragging about the crime and about having a gun. \$87(2)(f) |
| The job was disposed of as "90Y", or Uncooperative Complainant (Board Review 08). |
| PO Byrd indicated that \$87(2), \$87(2)(b) s tenant, fit the description given in the report exactly, and that he provided his full name as \$87(2)(b) when the officers asked for his name (Board Review 06). PO Dejesus-Smith did not recall what description or name of the report provided, if any (Board Review 05). |
| It is also undisputed that while PO Dejesus-Smith and PO Byrd entered , they remained in the vestibule area and did not venture further into the house. All parties interviewed described the first floor of the house as having no fixtures associated with living quarters, including a kitchen, bedrooms, or a bathroom. The floor contains nothing apart from the door leading to \$87(2) 's basement quarters and the flight of stairs leading to the \$87(2) residence on the second floor. \$87(2)(0) provided a rough sketch of her first floor showing its composition (Board Review 09). |
| In <i>People v. McBride</i> (2010; 14 N.Y.3d 440), the New York State Court of Appeals ruled that a warrantless entry into a home to affect an arrest is acceptable only under certain exigent circumstances, including: 1) the gravity of the offense of which the suspect is suspected; 2) if the suspect is reasonably believed to be armed; 3) the officers have probable cause to believe the suspect committed the crime; and 4) if there is a likelihood that the suspect would escape if not swiftly apprehended (Board Review 10). |
| § 87(2)(g) |
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| § 87(2)(g) |
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| § 87(2)(g) |

Allegation C – Abuse of Authority: PO Steven Dejesus-Smith refused to provide his shield number to \$87(2)(b)

| number to § 87(2)(b) |
|---|
| alleged that when she asked PO Dejesus-Smith and PO Byrd for their names and shield numbers after PO Dejesus-Smith repeatedly refused to leave her home, PO Byrd readily provided his information verbally, but PO Dejesus-Smith refused to provide either verbally. \$37(2)(5) observed his nameplate and wrote his name down on a notepad, but saw that his shield was obscured by a black band. When she told him she could not read his shield number, PO Dejesus-Smith replied, "Oh well" (Board Review 01). |
| and \$87(2)(b) heard \$87(2)(b) request from each officer his name and shield number and corroborated \$87(2)(b) as assertion that PO Byrd was cooperative with her request whereas PO Dejesus-Smith was not. Both women also stated that they did not hear PO Dejesus-Smith verbally provide his name or his shield (Board Review 03 and Board Review 04). |
| Furthermore, all women characterized PO Dejesus-Smith as "rude" and "disrespectful", raising his voice at \$37(2)(b) during the incident and refusing to leave the home when asked multiple times. They all admit that \$37(2)(b) herself raised her voice at the officers, and that she and PO Dejesus-Smith argued for several minutes. In particular, \$37(2)(b) admitted to calling PO Dejesus-Smith "fat" in anger (Board Review 01 and Board Review 02). |
| Both PO Byrd and PO Dejesus-Smith stated that both officers provided their names and their shield numbers verbally to Both officers denied that PO Dejesus-Smith had anything obscuring his shield number during the incident (Board Review 06 and Board Review 07). PO Dejesus-Smith admitted that PO Byrd provided his name and shield number before he did. |
| Both officers also characterized was "irate", stating that she yelled at the officers throughout the incident, asked them to leave multiple times, and refused to listen to the officers when they tried to explain why they were there. PO Dejesus-Smith claimed that struck called him a "fat fuck". Both officers described themselves as calm and professional when dealing with |
| § 87(2)(g) |
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| In \$87(2)(b) s original DiRAD message, left hours after the incident, she provided both PO Byrd's name and shield number, 13400, indicating that she had received them during the incident. However, she only provided PO Dejesus-Smith's name, alleging that PO Dejesus-Smith refused to provide his shield number (Board Review 12). In her original phone statement, \$87(2)(b) again provided PO Byrd's name and shield number, but only PO Dejesus-Smith's name, \$87(2)(b) |

In her follow-up statement, clarified that when she requested the officers' names and shield numbers, the officers had been standing side-by-side, a few feet ahead of the front door (Board Review 02). Both officers corroborated this, explaining that they stood side-by-side near the front door during the whole incident (Board Review 06 and Board Review 07).

(Board Review 01).

| § 87(2)(g) | | | |
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| § 87(2)(g) | | | |
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| NYPD Patrol Guide Procedure 203 | 3-09, regarding Public | Contact, stipulates that offi | cers must |
| clearly either state or otherwise pro | | | ow the |
| civilian ample time to note their in | formation (Board Revi | lew 11). | |
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| § 87(2)(g) | | | |
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